

## DECLARATION FOR PATENT APPLICATION

Attorney Docket No.  
F97.18

As a below name inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "BOUNCING PET TOY" attached hereto unless the following box is checked: \_\_\_\_\_, the specification of which is

☐ was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ as was amended on \_\_\_\_\_ (if applicable).

I hereby stated that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or Inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

(Number) _____	(Country) _____	(Day/Month/Year Filed) _____	Priority Not Claimed <input type="checkbox"/>
(Number) _____	(Country) _____	(Day/Month/Year Filed) _____	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. § 119(e) of the United States provisional application(s) listed below.

(Application Number) _____	(Filing Date) _____
(Application Number) _____	(Filing Date) _____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number) _____	(Filing Date) _____	(Status- patented, pending, abandoned) _____
(Application Number) _____	(Filing Date) _____	(Status- patented, pending, abandoned) _____

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Gary D. Fields, Registration No. 19,604 and Brent P. Johnson, Registration No. 38,031 of Fields & Johnson, P.C.  
 Address all telephone calls to: Gary D. Fields at telephone number (303) 861-9100  
 Address all correspondence to: Fields & Johnson, P.C.  
1700 Lincoln Street, Suite 3030, Denver, CO 80203

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Joseph P. Markham  
 Inventor's signature [Signature] Date 3/11/98  
 Residence 12094 W. 75th Place, Arvada, CO 80005 Citizenship U.S.A.  
 Post Office Address 12094 West 75th Place  
Arvada, CO 80005

Full name of second joint inventor, if any (given name, family name) \_\_\_\_\_  
 Second Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
 Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Post Office Address \_\_\_\_\_

☐ Additional inventors are being named on separately numbered sheets attached hereto.

Applicant or Patentee: Joseph P. Markham

Serial No. or Patent No.: \_\_\_\_\_

Attorney's

Filed or Issued: \_\_\_\_\_

Docket No.: F97.18For: "BOUNCING PET TOY"**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Bounce, Inc. d/b/a The Kong Company  
ADDRESS OF CONCERN 16191-D Table Mountain Parkway  
Golden, CO 80403-1641

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "Bouncing Pet Toy"

described in:

by inventor(s) Joseph P. Markham☒ the specification filed herewith.☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Joseph P. MarkhamTITLE OF PERSON OTHER THAN OWNER PresidentADDRESS OF PERSON SIGNING 16191-D Table Mountain Parkway  
Golden, CO 80403-1641SIGNATURE 

DATE \_\_\_\_\_